



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#16
Election
12/8/01

Inventor's name of:

Bussemakers

Appl. No. 09/402,713

§102(e) Date: June 13, 2000

For: **PCA3, PCA3 Genes, and Methods
of Use**

Confirmation No.

Art Unit: 1642

Examiner: Davis, N.

Atty. Docket: 1619.0020001/SRL/AGU

Reply To Restriction Requirement

Commissioner for Patents
Washington, D.C. 20231

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Sir:

In reply to the Office Action dated August 21, 2001, requesting an election of one invention to prosecute in the above-referenced patent application, Applicant hereby provisionally elects to prosecute the invention of Group I, represented by claims 1-14. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

This election is made **with** traverse. Applicant respectfully asserts that the claims in Groups I-VII are closely related in subject matter. As such, a search of one group of claims is likely to encompass subject matter pertinent to the patentability of all groups. Applicant therefore respectfully asserts that no serious burden would be imposed on the Examiner if restriction were not required. Accordingly, withdrawal of the restriction requirement and examination of all claims on the merits is hereby requested.

Applicant understands that the Office Action dated August 21, 2001 replaced the Restriction Requirement dated June 22, 2001 and restarted the period for reply.

Reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

for *John M. Court*
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Date: Nov. 21, 2001

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